

UNITED STATES COURT OF APPEALS DISTRICT OF COLUMBIA CIRCUIT

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AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 23-1174 2. DATE DOCKETED: 07/10/2023
3. CASE NAME (lead parties only) City of Port Isabel v. Federal Energy Regulatory Commission
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: Federal Energy Regulatory Commission
 - b. Give agency docket or order number(s): 183 FERC 61,046
 - c. Give date(s) of order(s): April 21, 2023
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☒ Yes ☐ No
If so, when was it filled? May 22, 2023 By whom? City of Port Isabel, et al.
Has the agency acted? ☐ Yes ☒ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See attached
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☐ Yes ☒ No If YES, identify case name(s), docket number(s), and court(s) _____
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☒ Yes ☐ No If YES, give case name(s) and number(s) of these cases and identify court/agency:
City of Port Isabel v. FERC, No. 23-1175 (D.C. Cir.)
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature /s/ Thomas Gosselin Date 08/14/2023

Name of Counsel for Appellant/Petitioner Thomas Gosselin

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

Attachment to
DOCKETING STATEMENT
City of Port Isabel v. Federal Energy Regulatory Commission, No. 23-1174
August 14, 2023

Section 6.e

The order under review amends the initial authorizations for and reauthorizes the Rio Grande LNG and Rio Bravo Pipeline projects.

Petitioners the Carrizo Comecrudo Tribe of Texas and Sierra Club have associational standing on behalf of their members. The challenged amendment and reauthorization allow the projects to go forward because FERC has determined that the projects, as amended, are in the public interest notwithstanding this Court's decision in *Vecinos para el Bienestar dela Comunidad v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021). Thus, the challenged order will allow the projects to be constructed and placed into service, leading to numerous environmental impacts. For example, construction and operation of the projects will emit substantial amounts of air pollution, harming the health and welfare of petitioners' members, causing petitioners' members to refrain from or curtail activities that they would otherwise enjoy, and diminishing petitioners' members enjoyment of everyday and recreational activities. Additionally, construction and operation of the projects will have visual, noise, and aesthetic impacts that would diminish petitioners' members enjoyment of recreational activities in the project area and would cause those members to refrain from or curtail those activities. And, further, construction and

operation of the projects would destroy and fill wetlands that are crucial habitat for wildlife that petitioners' members enjoy viewing.

Petitioner City of Port Isabel has standing because it will be adversely impacted by, *inter alia*, increased traffic and disruption of the City's fishing and tourism industries.

Because Petitioners assert procedural injuries, the Court will presume that an order requiring the FERC to cure the deficiencies in its NEPA and Natural Gas Act analyses would lead FERC to choose a different action, including either rejecting the projects altogether or adopting an alternative that would lessen the impacts on Petitioners and their members.

CERTIFICATE OF SERVICE

I, Thomas Gosselin, hereby certify under the penalty of perjury that on August 14, 2023, I filed the original of 1) The Agency Docketing Statement, 2) The Certificate as to Parties, Rulings, and Contested Cases, 3) Petitioner's Non-Binding Statement of Issues to be Raised, 4) The Decisions from which Appeal Arises, and 5) The Statement of Intent to Utilize Deferred Joint Appendix, via the Court's CM/ECF system, thereby causing an electronic copy to be served on all parties registered to receive notices in this case via electronic noticing.

August 14, 2023.

/s/ Thomas Gosselin
Thomas Gosselin